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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

WYATT B. and NOAH F. by their next friend  
Michelle McAllister; KYLIE R. and ALEC R.  
by their next friend Kathleen Megill Streck;  
UNIQUE L. by her next friend Annette Smith;  
SIMON S. by his next friend Paul Aubry;  
RUTH T. by her next friend Michelle Bartov;  
BERNARD C. by his next friend Ksen Murry;  
NAOMI B. by her next friend Kathleen  
Megill Streck; and NORMAN N. by his next  
friend Tracy Gregg, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

KATE BROWN, Governor of Oregon in her  
official capacity; FARIBORZ  
PAKSERESHT, Director, Oregon Department  
of Human Services in his official capacity;  
REBECCA JONES GASTON, Director,  
Child Welfare in her official capacity; and  
OREGON DEPARTMENT OF HUMAN  
SERVICES,

Defendants.

No. 6:19-cv-00556-AA

**STIPULATED MOTION TO  
SUBSTITUTE PARTIES AND  
CHANGE CASE CAPTION**

**Fed. R. Civ. P. 25(d)**

### **LOCAL RULE 7-1 CERTIFICATION**

The parties have stipulated to this motion.

### **MOTION**

Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the parties move this Court to substitute Rebecca Jones Gaston, Director of Child Welfare at the Oregon Department of Human Services, with her successor, Aprille Flint-Gerner, the Interim Director of Child Welfare at the Oregon Department of Human Services, and to amend the case caption accordingly. The parties also move this Court to substitute Kate Brown, Governor of Oregon, with her successor, Tina Kotek, Governor of Oregon, and to amend the case caption accordingly.

### **ARGUMENT**

Rule 25(d) of the Federal Rules of Civil Procedure states that a public officer sued in her official capacity who later “ceases to hold office” is automatically substituted with her successor. Aprille Flint-Gerner is the Interim Director of Child Welfare, replacing Director Rebecca Jones Gaston and Tina Kotek is the Governor of Oregon, replacing Governor Kate Brown. In light of these changes of position, Aprille Flint-Gerner is substituted for Rebecca Jones Gaston as a defendant in this action and Tina Kotek is substituted for Kate Brown as a defendant in this action.

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## CONCLUSION

The Court should grant this motion, substitute Aprille Flint-Gerner for Rebecca Jones Gaston and Tina Kotek for Kate Brown as named parties in this action, and amend the case caption accordingly.

DATED this 6th day of February, 2023.

DAVIS WRIGHT TREMAINE LLP

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